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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,048

12/30/2003

Nikki White

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6788

5251

7590

03/15/2006

SHOOK, HARDY & BACON LLP
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BLVD
KANSAS CITY,, MO 64108-2613

EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,048	Applicant(s) WHITE ET AL.	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8, 11-18 and 20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-4, 6, 8, 11-18 and 20 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/30/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:
 - a. line 7, "frame member" should read --first frame member--;
 - b. lines 13-14, "frame member" should read --second frame member--.Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,860,759 to Leicht.

Leicht discloses an attachment system that includes all the limitations recited in claims 1, 2, 4, and 6. Leicht shows an attachment system having a first frame member 34 (see Fig. 4), a first set of mounting brackets 22 coupled to the first frame member that each include a mounting flange and a tapered section with a raised portion and a mating surface tapering outwardly from the first frame member from top to bottom and projecting outwardly, a second frame member 36, a second set of mounting brackets 24 coupled to the second frame member that each include a mounting flange and a

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tapered section with a raised portion and a mating surface tapering outwardly from the second frame member from bottom to top and project inwardly wherein the raised portions and mating surfaces of the sets of mounting brackets are aligned to provide an interlocking fit, and the sets of mounting brackets include left and right mounting brackets at both ends of second frame member 36 and sides of first frame member 34.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leicht.

Leicht discloses an attachment system that is basically the same as that recited in claim 3 except that the left and right mounting brackets are not specified as mirror images of one another, as recited in the claim. Although the corresponding orientations of the left and right mounting brackets are not specified, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the orientation of the mounting brackets such that the left and right mounting brackets are mirror images of one another. Further, it would have been an obvious matter of design choice to modify the attachment system of Leicht by having the left and right mounting brackets be mirror images of one another since Applicant has not disclosed that having the specific orientation solves any stated problem or is for any particular purpose and it

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appears the attachment system would work equally well with any suitable orientation of the mounting flanges.

6. Claims 8, 11-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leicht as applied to claim 3 above, and further in view of U.S. Patent No. 2,994,888 to Minuti.

Leicht, as modified, discloses an attachment system that is basically the same as that recited in claims 8, 11-18, and 20 except that the a seat portion is not specified, as recited in the claims. See column 1, line 9 of Leicht for the teaching that the attachment system is preferably for use in a bed frame with a laying/sitting portion with first and second sides. Minuti shows an attachment system similar to that of Leicht wherein the attachment system (Fig. 4) connects members of a bed or chair. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the attachment system of Leicht such that the laying/sitting portion is a seat portion, such as the attachment system disclosed in Minuti. One would have been motivated to make such a modification in view of the suggestion in Minuti that attachment systems of bed or readily usable in tables, chair, or the like.

Response to Arguments

7. The amendment filed September 2005 was not entered as being non-compliant under 37 C.F.R. 1.121(c), and, as a result, any arguments included therein were not considered. Presumably, these arguments would be moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JE
March 10, 2006


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600